

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Dallas Division

ORIGINAL

Guerivace Shelton
Plaintiff

2011 MAY 11 PM 3:00
DEPUTY CLERK RR

8:11CV-991-K

v.

Civil Action No.

AT&T Mobility & Communications
Defendant
Workers of America, Local 6215

COMPLAINT

I believe that I have been discriminated against on the basis of my age, in violation of the Age Discrimination in Employment Act of 1967, as amended in that I was denied a pay raise while one was granted to a younger coworker. I also believe that I have been discriminated against on the basis of retaliation, in violation of section 4(d) of the Age Discrimination in Employment Act of 1967, as amended, in that I have been subjected to adverse treatment as a result of my complaints.

Date

Signature

Print Name

Address

City, State, Zip

Telephone

5-11-2011
Guerivace Shelton
Guerivace Shelton
6746 Keswick Dr.
Dallas, TX 75232
214-339-4827 Home Work Cell 214-926-2806



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 16

819 Taylor Street – Room 8A24

Fort Worth, TX 76102-6178

Telephone: (817) 978-2921 Fax: (817) 978-2928
Agency Web Site: www.nlrb.gov

April 25, 2011

Ms. Guerivace Shelton
6746 Keswick Drive
Dallas, TX 75232

Re: Communications Workers of America,
Local 6215 (AT&T)
Case No. 16-CB-8278

Dear Ms. Shelton;

The Region has carefully investigated and considered your charge against Communications Workers of America, Local 6215 alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The charge alleges that since on or about August 27, 2010, the Union violated the Act by failing to represent you in the processing of a grievance.

The evidence established that the Union filed a grievance on your behalf over pay issues in August 2010 at your request. The evidence further reflects that the Union met with the Employer on your grievance and it is currently pending in the grievance arbitration process. Under Board law a union is given a wide range of reasonableness in processing grievances so long as its conduct is not based on considerations that are irrelevant, invidious or unfair and its conduct is not arbitrary, discriminatory or in bad faith.

In this case, there is no evidence demonstrating that the Union unlawfully failed to represent you in your grievance or that the Union's actions consisted of anything more than mere negligence. It is well established that mere negligence on behalf of the Union is not sufficient to constitute a violation of the National Labor Relations Act.

Based on the foregoing, I find insufficient evidence to establish the Union violated the Act as alleged. I am, therefore, refusing to issue complaint on this matter.

7

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the *General Counsel* at the *National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, NW, Washington, DC 20570-0001*. A copy of the appeal should also be mailed to the Regional Director.

An appeal may also be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.

The appeal **MAY NOT** be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington D. C. by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on May 9, 2011, unless electronically filed. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. If you file the appeal electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or electronically. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extensions of time. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we

are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemption 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

Notice to Other Parties of Appeal: You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Sincerely,



Martha Kinard
Regional Director

Enclosure: Form NLRB-4767, Appeal Form

cc: ✓ General Counsel

National Labor Relations Board
Attn: Office of Appeals
1099 14th Street, N.W.
Washington, D.C. 20570-0001

✓ Mr. Steve Donahue, Steward
Communications Workers of America, Local 6215
1408 N. Washington Street, Suite 300
Dallas, TX 75204

Ms. Sherry Rea
AT&T
1801 Valley View Lane
Farmers Branch, TX 75234

Form NLRB-4767

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
National Labor Relations Board
Attn: Office of Appeals
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Date:

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Communications Workers of America, Local 6215 (AT&T)

Case Name(s).

16-CB-8278

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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April 25, 2011

Ms. Guerivace Shelton
6746 Keswick Drive
Dallas, TX 75232

Re: AT&T Mobility
Case No. 16-CA-27896

Dear Ms. Shelton:

The Region has carefully investigated and considered your charge against AT&T Mobility alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The charge alleges that the Employer violated the Act by discriminating against you because you engaged in union and other protected concerted activities.

The investigation revealed that you filed a grievance on or about August 2010. The evidence showed that (1) in December 2008 you did not receive a raise; (2) in January 2010 you were not paid for 2.5 hours of short term disability; and (3) in July 2010 you were not paid for a vacation day, and you were no longer receiving the same preferential shift you received in 2008. The evidence failed to show that the Employer engaged in any of these actions because of your union activity. The evidence failed to establish that you were discriminated against because you filed a grievance or engaged in any other union activity.

Additionally, Section 10(b) of the Act provides that no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing and service of the charge. The investigation revealed that you were aware of the Employer's alleged conduct more than six months prior to the filing of this charge.

Therefore, I am refusing to issue complaint in this matter.

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Sincerely,



Martha Kinard
Regional Director

Enclosure: Form NLRB-4767, Appeal Form

cc: General Counsel
National Labor Relations Board
Attn: Office of Appeals
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Ms. Sherry Rea
AT&T Mobility
1801 Valley View Lane
Farmers Branch, TX 75234

Mr. Christian A. Bourgeacq,
General Attorney-Labor/HR
AT&T
4544 South Lamar, MS 4401-LR
Austin, TX 78745

Ms. Lysha Weston
AT&T Mobility
208 South Akard Street, Suite 3313
Dallas, TX 75202

Form NLRB-4767

UNITED STATES OF AMERICA
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AT&T Mobility

Case Name(s).

16-CA-27896

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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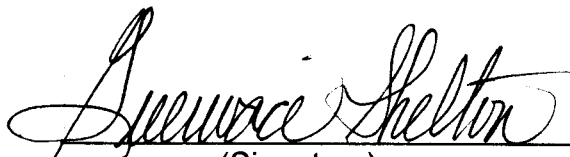
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Case Name(s).

16-CB-8278

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

 5/5/2011
(Signature)

I am requesting that the charges filed against AT&T Mobility CASE # 16-CA-27896 AND 10(B) and the Communication Worker of America (Local) 6215 CASE #16-CB-8278 Be Appealed .

REASON FOR APPEAL : Based on the fact that is should have be based on The National Labor Relations Act Section 7 , Section 8 and Section 9.

REASON FOR APPEAL : Based on the fact that I stated on page 2 lines (11,12,13 confidential witness affidavit). The only thing my check was not flagged by payroll until 02/10 which is the time I told my manager and had reason to act on this issue for the raise been done on the floor in 2008. Yes, I knew but did not have reason or cause in December of 2008 .

REASON FOR APPEAL : Based on the fact that I stated on page 3 lines (5,6,7on confidential witness affidavit). Because , I was being harassed and I called the hotline and filed a EEOC within the company on July 3,2010.I, Also listed my report number (report number 114097314)...I don't think I was protected by my union. The National Labor Relations Act Section 7 applies.

REASON FOR APPEAL: Based on the fact that I stated on page 3 lines (14,15,16,17,and 19 confidential witness affidavit). This is on the day filed the internal EEOC report in July 3,2010. I was not protected by my union nor my employer since I filed an internal charge stating a breach of security and harassment.. See enclosed statement to personnel and misconduct of personnel and employer letter from the union letter dated 10/2011. Case was held up an addition 6 months from 2/2011 till 08/2011with management. The National Labor Relations Act Section 7,8 (A)(1) , 8(a)(2) and 8 (a)(5).

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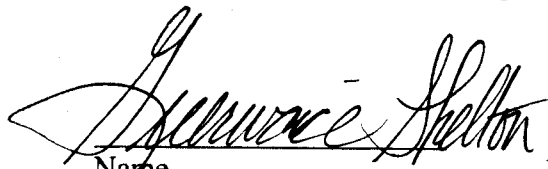
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REASON FOR APPEAL: Based on the fact I stated on page 6 lines (4,5,6,7,8,9,10,11,12 confidential witness affidavit). Job titles are given and manipulated for a reason. A **job description** is a list that a person might use for general tasks, or functions, and responsibilities of a position. It may often include to whom the position reports, specifications such as the qualifications or skills needed by the person in the job, or a salary range. Job descriptions are usually narrative,[1] but some may instead comprise a simple list of competencies; for instance, strategic human resource planning methodologies may be used to develop a competency architecture for an organization. I KNOW THIS IS A RIGHT TO WORK STATE .

But , No person should be made to do 3 or more different jobs with any manger coming to your desk telling you to change over .


Name _____ Date 5/5/2011

Form NLRB-4767

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NATIONAL LABOR RELATIONS BOARD

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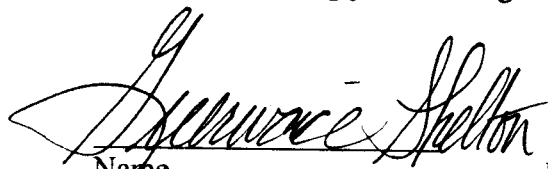
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Name _____ Date 5/5/2011

The National Labor Relations Act

The NLRA was enacted by Congress in 1935. It was hailed at the time and for many years after as the Magna Carta of America labor. Previously, employers had been free to spy on, interrogate, discipline, discharge, and blacklist union members. But in the 1930's workers began to organize militantly. A great strike wave in 1933 and 1934 included citywide general strikes and factory takeovers. Violent confrontations occurred between workers trying to form unions and the police and private security forces defending the interests of anti-union employers. Some historians believe that Congress adopted the NLRA primarily in the hopes of averting greater, possible revolutionary, labor unrest.

The NLRA guaranteed workers the right to join unions without fear of management reprisal. It created the National Labor Relations Board (NLRB) to enforce this right and prohibited employers from committing unfair labor practices that might discourage organizing or prevent workers from negotiating a union contract.

The NLRA's passage galvanized union organizing. Successful campaigns soon followed in the automobile, steel, electrical, manufacturing, and rubber industries. By 1945, union membership reached 35% of the workforce. In reaction, industrialists, and other opponents of organized labor sought to weaken the NLRA. They succeeded in 1947 with the passage of the Taft-Hartly Act, which added provisions to the NLRA allowing unions to be prosecuted, enjoined, and sued for a variety of activities, including mass picketing and secondary boycotts.

The last major revision of the NLRA occurred in 1959, when Congress imposed further restrictions on unions in the Landrum-Griffin Act.

Key Provisions

The most important sections of the NLRA are Sections 7, 8, and 9.

Section 7, is the heart of the NLRA. It defines *protected* activity. Stripped to its essential, it reads:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.

Section 7 applies to a wide range of union and collective activities. In addition to organizing, it protects employees who take part in grievances, on-the-job protests, picketing, and strikes.

Section 8 defines employer unfair labor practices.

Five types of conduct are made illegal:

- Employer interference, restraint, or coercion directed against union or collective activity (Section 8(a)(1))
- Employer domination of unions (Section 8(a)(2))
- Employer discrimination against employees who take part in union or collective activities (Section 8(a)(3))
- Employer retaliation for filing unfair-labor-practice charges or cooperating with the NLRB (Section 8(a)(4))
- Employer refusal to bargain in good faith with union representatives (Section 8(a)(5))

Threats, warnings, and orders to refrain from protected activities are forms of interference and coercion that violate Section 8(a)(1). Disciplinary actions, such as suspensions, discharges, transfers, and demotions, violate Section 8(a)(3). Failures to supply information, unilateral changes, refusals to hold grievance meetings, and direct dealings violate Section 8(a)(5).

Section 8 also prohibits union unfair labor practices, which include, according to legal construction, failure

to provide fair representation to all members of the bargaining unit.

Section 9 provides that unions, if certified or recognized, are the exclusive representatives of bargaining unit members. It prohibits the adjustment of employee grievances unless a union representative is given and opportunity to be present, and establishes procedures to vote on union representation.

The NLRA sets out general rights and obligation. Enforcing the Act in particular situations is the job of the NLRB.

[Back to Index.....](#)

County of Tarrant) Case 16-CA-27896 and
State of Texas) SS
16-CB-8278

Confidential Witness Affidavit

I Guerivace Shelton, being first duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the Board and will not be disclosed unless it becomes necessary to produce the Confidential Witness Affidavit in connection with a formal proceeding.

I reside at 6746 Keswick Drive; Dallas, TX 75232. My telephone number is (214) 926-2806.

I have been employed by AT&T Mobility located at 1801 Valley View Lane; Farmers Branch, Texas as a customer service representative since September 2008 (I am currently in inbound collections). I currently work about 40 hours per week for about \$14.53 per hour. My supervisor is Sherry Rea, Manager.

1 AT&T Mobility communicates regularly with employees through e-mail or an Intranet. They send
2 notices and policy changes by email. They say they post information on the intranet, but it's hard to find
3 it. They have some bulletin boards at the Valley View Lane facility where they post information for
4 employees, but I do not know how many.

5 I have been a member of the Communication Workers of America, Local 6215 since about
6 September 2008. I have not held or run for Union office. I have not filed grievances other than the one at
7 issue in the instant charge.

8 The CWA, Local 6215 communicate regularly with employees through bulk e-mail on our
9 personal email addresses and they have sent me emails to my work email account about meeting with
10 me about my grievance. They have about some bulletin boards at the Valley View Lane facility where
11 they post information for employees but I do not know how many.

Page 1

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further an unfair labor practice or representation case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



1 On or about December 2008, I heard Sherry Hardman, manager, talk to Leticia Beckworth,
2 customer service rep (we were hired on the same day), about how since she had a degree she was going
3 to give Leticia a raise (I found out in December 2010 from Leticia that it was a \$0.50 per hour raise, she
4 no longer works there, she did not tell me when her raise took effect). I didn't think they could do that
5 because I was told by the trainer when I was hired in September 2008, that once you're hired you can't go
6 back and renegotiate your contract and you couldn't get a raise unless you got a promotion or had extra
7 work or in accordance with the scale that gives you an automatic raise every six months until we top off.

8 Between December 2008 and February 2010, I didn't see anything on the payroll about my being
9 due a raise. I did receive my regular 6 month raises on time. I knew that Leticia got a raise because in
10 February 2010 something changed on my check. Leticia and I were hired on the same day in the same
11 job category. I worked in payroll for another company and it would automatically flag the other person's
12 check if a change was made to someone else's check that was in the same category and hired on the
13 same date.

14 On or about February 2010, I noticed that it said on my paycheck that I was due a raise. At the
15 bottom of my checks between February 2010 and April 2010 it said "This pay period includes a pay rate
16 change - the most current hourly rate is shown above." I told my manager and she said she thought
17 there was a mistake and told me to wait and see if it stopped printing out that I was due a raise (in
18 addition to the regular 6 month raise). It stopped in May 2010 when I tried to access my check and was
19 unable to. On the last April 2010 check the phrase didn't show up on my check, but it was on the next
20 two in May 2010. After that it stopped again. I never got an additional raise besides the regular 6 month
21 raises.

22 On or about March or April 2010, my manager sent me to Lynn Whelldon, her manager. I sent
23 her an email about it but she never responded. On or about April 2010, after I told her that Lynn didn't
24 respond so my manager sent me to the payroll person, (first name unknown) Smitts, she said I got all my
25 raises. I told her that there was a raise on the floor with Leticia Beckworth. She asked how I knew that. I

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PRIVACY ACT STATEMENT

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1 said that I saw her get it. She didn't say anything to me about that. I also talked to her about how it was
2 deleted in the system that I had requested May 28, 2010, to be off.

3 On or about July 3, 2010, I called the Employer's hotline (I do not know who I talked to) and told
4 them someone in payroll had just sent me an email from a general address about a schedule change for
5 me that said I was a no show on July 5, 2010 when I was supposed to be off. I told them about not
6 getting a raise like Leticia and that I wanted them to stop the harassment. I gave them my name and got
7 a case number from the person I talked to (report number 114097314).

8 No supervisors or managers said anything to me about the call.

9 On or about early July 2010, KJ Johnson, personnel, contacted my manager first about the
10 schedule change and the raise.

11 I kept complaining to my manager about my raise and about the day in May that was deleted from
12 the system (I had gotten a write up for not coming in, but I told her that I already had it in the system and
13 someone deleted it) and the day in July 2010.

14 On or about July 2010, KJ called me and told me to get off the clock and take her call in Rae's
15 office. I told her the same things I had been telling my manager and how someone had gone into the
16 system using my number to change my day off. She said she would look into it and see what she could
17 do to straighten out the situation.

18 After that I received my July 3, 2010 pay (I had already received the pay from May).

19 I received a list of questions from KJ on July 19, 2010, I responded to her questions on August 9,
20 2010.

21 On or about August 17, 2010, Rae called me into a meeting with Annjeanetta Hampton, payroll,
22 and KJ Johnson in one of the training rooms. When I went to the meeting, I thought we were going to talk
23 about shift bids because Annjeanetta and my manager told me that was what the meeting was going to
24 be about. But we never talked about the shift bids, they wanted to talk about someone going into the
25 system to change my days off. Annjeanetta said I was accusing her employees of going into the system

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1 and changing information. I said I'm not accusing anyone, but what I was seeing on my printouts was
2 that Johnny Griffin, payroll, was changing things in my record. My CWA rep, Steve Donahoo, was also at
3 the meeting (the Employer invited him). KJ told me to file a grievance with the CWA.

4 After we left the meeting Donahoo gave me the form to fill out what I wanted to file the grievance
5 about a week later because he didn't have the form that day.

6 On or about August 27, 2010, I turned in the grievance form to Donahoo at work. He told me they
7 were backed up with cases and they would get with me within 90 days.

8 I waited 90 days, but no one met with me during that time.

9 I called the CWA office sometime between August and October 2010, I cannot recall who I talked
10 to, but I told him that I felt that I was being harassed and wanted it to stop. In May, June and July, 2010, I
11 did not meet my stats because I was going through this ordeal. He told me to stop printing documents
12 because it was the property of AT&T. I told him if it was not related to me I didn't print it out.

13 On or about October 4, 2010, I received a letter at home from CWA Treasurer Ted Levee to
14 Steve Dryden, Employer manager stating that the Union needed to meet with him on my grievance.

15 On or about January 2011, Shirley Anthony, CWA steward, walked up to me and told we were
16 meeting today. I went to my manager because I didn't see anything in my IEX (shows our schedules).
17 She said since it wasn't IEX the day before there was nothing saying that I should go. I sent an email to
18 Shirley or Steve that we should reschedule for a later date because I didn't see anything in my IEX. One
19 of the other CWA reps (I cannot recall who) walked up to my desk and said the meeting was going to be
20 today. I asked if they had told my manager because there was nothing in my IEX. She went to my
21 manager and said they wanted to talk to me. I walked over there too and my manager said to go ahead
22 to the meeting.

23 I went to the meeting in Smitt's office. Smitt's, Donahoo, another CWA rep that I had never seen
24 before, Shirley Anthony, and the CWA rep that came and got me. They started talking among each other
25 and no one was talking to me. Anthony told me they have been looking into it but they have a lot of

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PRIVACY ACT STATEMENT

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1 cases. She told me that they hadn't heard from Dryden yet about setting up a meeting. Smitt's said they
2 looked through everything and didn't see where you didn't get a raise. I said Leticia got a raise on the
3 floor in 2008 but it didn't print out until 2010. Smitt's said they gave the raise to her because she had a
4 bachelor's degree. I told Anthony and Smitt's that they've already discussed this and I would only
5 respond to them if they gave me something in writing. I got up and left the meeting then.

6 I have not heard from the Union and I have not tried to contact them.

7 On or about January 2011, I filed a complaint with the EEOC about age discrimination regarding
8 the raise. On or about the same day, I received a right to sue letter from them. A few weeks later I filed a
9 formal complaint with them. No supervisors or managers said anything to me about the EEOC complaint
10 I made but they should know about it by now because the EEOC sent them a right to sue letter.

11 I do not know where my grievance is currently. No supervisors or managers have said anything
12 to me about the grievance.

13 I believe the Employer has discriminated against me by failing to give me raise since 2008 when
14 Leticia got her raise. I believe the Employer did not give me a raise because I saw them giving the raise
15 to Leticia and I told them about it up front in February 2010.

16 I am not aware of anyone else given a raise on the floor. I don't think anyone else was hired the
17 same day as Leticia and I in our category.

18 I believe the Union has failed to represent me by not responding to me concerning my issue.
19 They have not given me anything in writing except the letter to Dryden from Levee. I believe their motive
20 was that they don't want anyone to know that they are allowing raises to be given on the floor. They don't
21 want to address the issue.

22 I was hired in September 2008, and after the first shift bid, I got Monday through Friday with
23 Saturday off. There are people with more seniority that can't get Saturday off. I don't know why the
24 Employer is doing that. A lot of other agents were upset with me about it. In early to mid 2010 when I
25 was addressing my raise issue, I told Annjeanetta Hampton, in payroll and does shift bids, about the shift

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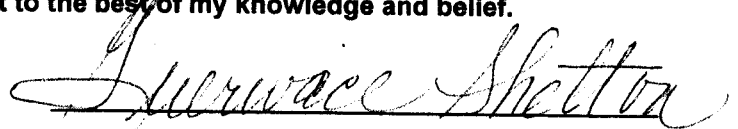
28

FORM NLRB-5168
(2-08)

1 bid in 2008. She said that was then and this is now. I said now I was getting bad shift bids and feel like
 2 the other ones. It is supposed to be done strictly by seniority but they are splitting us up between inbound
 3 and outbound and then figuring the seniority. We are assigned to one or the other, but they make us do
 4 both and credit and activation when they need us to. I was reprimanded in January 2011 for failing an
 5 outbound call. I took the payment like I was supposed to do, but they said I should have said more to the
 6 customer. I was not supposed to be doing outbound calls after December 2010 based on an agreement
 7 with the Union and the Employer (because we were having to do 3 jobs and only getting paid for one and
 8 we were the only location doing that), but I got an outbound call in January 2011. I do not know why I had
 9 that call. I have not had any more outbound or credit and activation calls since January 2011. I did not
 10 talk to the Union about the outbound calls in January 2011 because they didn't handle my raise situation.
 11 They didn't pay us when we were going 3 different jobs, the Union should have stepped in. I did not talk
 12 to the Union about it because they didn't handle my other grievance.

I am being provided a copy of this Confidential Witness Affidavit for my review. If, after reviewing this affidavit again I remember anything else that is relevant, or desire to make any changes, I will immediately notify the Board agent. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

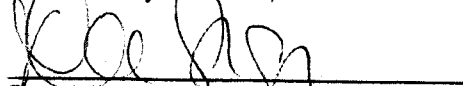
I have read this statement consisting of 6 pages, including this page, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.



Subscribed and sworn to before me at

Fort Worth, Texas

This 10th day of March, 2011.


 Board Agent,
 National Labor Relations Board

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PRIVACY ACT STATEMENT

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Communications

LOCAL 6215
1408 N. Washington, Suite 300
Dallas, TX 75204
214-826-6215
1-866-201-0905



Workers of America AFL-CIO

October 4, 2010

Steve Dryden, Area Manager
AT&T Mobility, Inc.
1801 Valley View Ln
Farmers Branch, TX 75232

Dear Mr. Dryden:

In accordance with the agreement between AT&T Mobility, Inc. and Communications Workers of America, the Union hereby requests a meeting with representatives of the Management for the purpose of negotiating an agreement, which is described as follows:

"Action on the part of Company in failing and/or refusing to properly pay Guerivace Shelton, Customer Service Representative."

The Union suggests this meeting be held at your earliest convenience. Please contact this office so that we may discuss a suitable time, date and place for this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Levee", is written over a horizontal line.

Ted Levee
Treasurer

Grievance Number: TL1004-10B

Please refer to this number when corresponding or calling about this grievance.

CC: Guerivace Shelton
CC: Shirley Anthony

U.K. [Signature]
mem-277
M-10

Date/Time 08-09-2010 12:47:15 p.m. Transmit Header Text
 Local ID 1 9727063319 Local Name 1 DALCC
 Local ID 2 Local Name 2

This document : Confirmed
 (reduced sample and details below)

Document size : 8.5"x11"

SHELTON, GUERIVACE (ATTCINW)

From: JOHNSON, KJ (ATTSI)
 Sent: Monday, July 19, 2010 3:31 PM
 To: SHELTON, GUERIVACE (ATTCINW)
 Subject: Case ID : 114097314 SHELTON
 Importance: High
 Sensitivity: Confidential

AT&T's Human Resources Management team is in receipt of your complaint and the report is being reviewed by Mrs. KJ JOHNSON, HR, Employee Relations Manager. The purpose of the Educus line is for employees to report violations of Company policies or laws. When you file a report, it is imperative that you have firsthand knowledge of a situation and are able to provide specific details about your allegations in order for the investigator to determine if this is a policy violation or not.

Currently the complaint does not provide specific information needed to move forward.

Please elaborate:

- 1) What would Manager Rea gain from the raise payroll error?
- 2) Why do you believe this specific incident caused her to deny your vacation time off?
- 3) Was the May 2010 vacation time off pre-requested?
- 4) How do you know Manager Rea was aware that you had approved vacation time off in May?
- 5) Do you have the approval in writing that you can forward it to me?
- 6) In June, how did you report that your schedule was not properly adjusted for the meeting, causing your adherence to be off?
- 7) Did you submit and receive documented approval for vacation time off 7/4/2010 through 7/12/2010 that you can forward to me?

Job transfers are not facilitated through the investigations, however once a violation is confirmed, disciplinary action is used to address specific behavior(s). If you wish to transfer to another position or department, please go on line to **AT&T HRoneSTOP** and select **Your Career**.

Once on that page, you will see a link to review current job opportunities. You can sort by titles, locations and departments in order to find positions in which you qualify for. You apply for the desired position(s) on line, so make sure to have an updated electronic copy of your resume to attach.

Please forward any supporting documentation for your case to my fax or email. Should you have additional details or more information to help with the investigation you can also call me directly at (405) 529-8766. If you reach voice mail, please leave as much details as possible for me to follow up on. This report will be open for another 15 days to allow you the opportunity to provide more pertinent details to substantiate a violation of Company policies or law. If you do not respond, this case will be closed. Thank you in advance for your time and cooperation in this matter.

KJ, Kristina Johnson | AT&T HR Services | Compliance Investigations | Employee Relations Manager II | Office # 905 529 8766 | Fax # 905 529 8768 | Email: kjohnson@att.com. All investigations are taken seriously, and it is extremely important to disclose accurate and truthful information. Any information provided to intentionally misdirect an investigation whether by false statements or omissions may result in discipline up to and including dismissal. Individuals are not to discuss the investigation or their conversations with the investigator with others. Doing so could adversely influence the outcome of the investigation; therefore any discussion could potentially result in discipline. AT&T has a zero tolerance policy for retaliation.
 AT&T Proprietary (Internal Use Only) - Do NOT forward this email to anyone without expressed permission. Not for use or disclosure outside the AT&T companies except under written agreement. This message and any attachments to it contain confidential business information intended solely for the recipients and not for distribution. If you have received this email in error please do not forward or distribute it to anyone else, but delete this message from your system then call (405) 529-8768 to report the error.

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	816	4055298538	12:45:43 p.m. 08-09-2010	00:01:03	3/3	1	EC	HS	CP24000

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

I am writing this in response to the letter I got on July 19,2010.

1. What would manager Rea gain from the raise payroll error?

Manager Rea would not gain nothing . I feel my manager has done everything possible to get this corrected. She advised me to go to Lynn Wheeldon and Kimberly Stinemetz concerning this issue over 3 months ago now.

I advised Ms. Stinemetz that pay contracts were negotiated on the floor. After 7 weeks of training, we where told in class that after your first day of work, no more negotiations is to be done. I found out that the negotiations were done after 7 weeks of training.

2. Why do you believe this specific incident caused her to deny your vacation time off?

I don't think this specific incident caused her to deny my vacation. I believe this is a regular practice done at this location.

3. Was the May 2010 vacation time off pre-requested?

Yes, all vacation time off must be pre-requested. According to the records it was ask for in 12/08/2009.

On the weeks of my vacation someone went into the system and changed my vacation week off for May 29,2010 and the week of July 4,2010. To my understanding this is a breach of security within AT&T and I am very concern

To my understanding of Article 12 schedules are to be in the system 1 to 2 weeks in advance.

4. How do you know Manager Rea was aware that you had approved vacation time off in May ?

Manager Rea is aware of all individuals in her group approved vacation time. Approved vacation is placed in each persons IEX until it is used that info is accessible to management and upper management.

5. Do you have the approval in writing that you can forward it to me.

Yes. All time must be approved before it is place in your IEX system. (vacation, floating holiday, etc. see attached copies). Also, see on copies where my agent code was used to make changes on 05/29/2010 and 07/03/2010?

6. In, June how did you report that your schedule was not properly adjusted for the meeting, causing your adherence to be off?

In June my schedule was properly adjusted before all statistic was sent in by management or upper management in June.

7. Did you submit and receive documented approval for vacation time off 07/04/2010 through 07/12/2010?

Yes, I can send you information submitted and received documented approval for vacation time off 07/04/2010 through 07/12/2010. (see in enclosed copies and forms) of my vacation.

On the weeks of my vacation someone went into the system and changed my vacation week off for May 29, 2010 and the week of July 4, 2010. To my understanding this is a breach of security within AT&T and I am very concern.

Also, Why would I call on July 3, 2010 to an outside company concerning my vacation then change it on July 3, 2010 at 1:00om?

To my understanding of Article 12 schedules are to be in the system 1 to 2 weeks in advance.

The only date that is missing is the day of July 8, 2010. (Which is my day off it was placed back in the system as a vacation week then a vacation day.

According to payroll an individual must request 5 days off. After that time is used that day will be released back into that individual unused time so, that person can use it another time. My day was release as a vacation week then put in system later as a vacation day.

In closing, I want it to be known that even after I filed this EEO someone still went into my IEX and changed my day off for 07/31/2010.

To my understanding this is a breach of security within AT&T and I am very concern.

Also, I did not get paid for January 12, 2010 and that I was only told of FMLA.

This is a follow up writing of the conversation on August 3, 2010 with Ms. K. Johnson.

[Handwritten signature] 8/3/2010



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 16

819 Taylor Street – Room 8A24

Fort Worth, TX 76102-6178

Agency Web Site: www.nlrb.gov

February 25, 2011

Ms. Guerivace Shelton
6746 Keswick Drive
Dallas, Texas 75232

Re: Communications Workers of America
Local 6215 (AT&T)
Case No. 16-CB-8278

Board Agent Assigned: Darci B. Slager
Telephone: (817)978-2004
E-Mail: Darci.Slager@nlrb.gov

Dear Ms. Shelton:

The investigation of the attached charge you recently filed in the above matter has been assigned to the Board agent listed above and any communication concerning this case should be directed to this Board agent at the above address and telephone number. If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

The Board agent will be in touch with you soon to request your assistance in the investigation of your charge. Please save any evidence bearing on your charge, such as notes, minutes, letters or check stubs, etc., and have them ready when the Board agent meets with you. It will be helpful for you to jot down a brief factual account of what has happened and for you to prepare a list of the names, addresses, and telephone numbers of potential witnesses, together with a brief summary of what each witness should know, for the use of the Board agent. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material

submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.

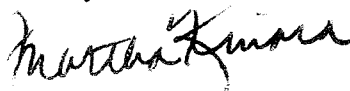
Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701, and forward it promptly to this office.

You are expected to cooperate with the Board agent in the investigation of your charge. Failure to cooperate may cause your charge to be dismissed.

If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.¹ We are available to assist you in any way possible, and if you have any questions, please call our Board agent. Your cooperation will be appreciated. Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's Internet site under "Public Notices."

Sincerely,



Martha Kinard
Regional Director

Attachments: Charge
Notice of Appearance, Form NLRB 4701
Notice to Parties Involved in an Investigation, Form NLRB-4541
Communications with ... Offices ... by Internet E-Mail

¹ La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

DO NOT WRITE IN THIS SPACE	
Case 16-CB-8278	Date Filed 11/2/24/2011

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name COMMUNICATIONS WORKERS OF AMERICA LOCAL 6215		b. Union Representative to contact Steve Donahue Steward	
c. Address (Street, city, state, and ZIP code) 1408 N. Washington Street, Suite 300 Dallas, TX 75204-		d. Tel. No. (214)826-6215	e. Cell No. () -
		f. Fax No. (214)823-8199	g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about August 27, 2010, the above named Union restrained and coerced Guerivace Shelton in the exercise of her Section 7 rights by failing to fairly represent her in the processing of a grievance.

3. Name of Employer AT&T		4a. Tel. No. (972)706-3325	b. Cell No. () -
		c. Fax No. () -	d. e-Mail

5. Location of plant involved (street, city, state and ZIP code) 1801 Valley View Lane Farmers Branch TX 75234-		6. Employer representative to contact Sherry Rea
---	--	---

7. Type of establishment (factory, mine, wholesaler, etc.) Information	8. Identify principal product or service telephone service	9. Number of workers employed
---	---	-------------------------------

10. Full name of party filing charge Guerivace Shelton		11a. Tel. No. () -	b. Cell No. (214)926-2806
		c. Fax No. () -	d. e-Mail

11. Address of party filing charge (street, city, state and ZIP code.) 6746 Keswick Drive Dallas, TX 75232-	
---	--

I, <u>Guerivace Shelton</u> , declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By <u>Guerivace Shelton</u> an individual (signature of representative of person making charge) (Print/type name and title or office, if any)		Tel. No. () -
Guerivace Shelton 6746 Keswick Drive Address Dallas, TX 75232- (date) 2/24/2011		Cell No. (214)926-2806
		Fax No. () -
		e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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NLRB FORM-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Communications Workers of America Local 6215 (AT&T)

CASE NO. 16-CB-8278

(Check one box only)¹

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

FORM NLRB-4541
(9-03)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

**NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR
PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING
PROCEDURES:**

Right to be Represented - Any party has the right to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

Attorneys and Service of Documents - If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Sec. 11842.3(a) of the Casehandling Manual. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance.

Non-Attorney Representatives and Service of Documents - If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Impartial Investigation - Upon receipt of a charge, the Regional Office will conduct an impartial investigation to obtain all material and relevant evidence. Your active cooperation in making witnesses available and stating your position will be most helpful to the Region in determining whether the charge has merit. The Region may also contact and interview other relevant witnesses and parties.

If only the Charging Party cooperates in the investigation, its evidence may warrant issuance of complaint in the absence of the Charged Party's defenses. Thus, the Charged Party is encouraged to fully cooperate and present all available evidence and its defenses. The Region seeks such relevant evidence from all parties to reach an informed determination and help resolve the matter, whether or not the case has merit, at the earliest possible time.

Withdrawal/Dismissal - If the Regional Director determines that the charge lacks merit, the Charging Party is offered the opportunity to withdraw. Should the Charging Party not withdraw the charge, the Regional Director will dismiss the charge and advise the Charging Party of the right to appeal the dismissal to the General Counsel.

Pre-Complaint Voluntarily Adjustment - If the Regional Director determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary adjustment. It is our policy to explore and encourage voluntary adjustment before proceeding with costly and time-consuming litigation before the Board and courts.

Complaint and Voluntary Adjustment - If, following the investigation, the Regional Director determines that there is merit to the charge and a voluntary adjustment is not reached, the Regional Director will issue a complaint and notice of hearing. The hearing will be conducted before an administrative law judge who will issue a decision and recommendation to the Board in Washington, D.C. However, issuance of a complaint does not preclude voluntary adjustment by the parties. On the contrary, at any stage of the proceeding the Regional Director and staff will be available to provide any assistance in arriving at an appropriate settlement.

(Revised 10/26/2009)

ELECTRONIC FILINGS THROUGH THE AGENCY'S WEBSITE AND EMAIL COMMUNICATION WITH BOARD AGENTS

ELECTRONIC FILING OF DOCUMENTS WITH THE AGENCY: All Regional Offices are in the process of creating an electronic investigative case file that contains electronic copies of all documents in the paper case file. This electronic case file initiative is a central component of the Agency's development of a new case management system called NxGen. When the NxGen system is deployed throughout the Agency, this system will provide parties greater access to public information about pending cases. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) through the Agency's E-Filing system on its website: <http://www.nlr.gov>.

On the home page of the Agency's website, click on the "**E-Gov**" tab, select **E-Filing**, and follow the detailed instructions. The following documents may be filed electronically through the Agency's website:

- Answer to Complaint or Compliance Specification. However, if the electronic version of an Answer to a Complaint or a Compliance Specification is not in a pdf format that includes the signature of the party or its representative, the original answer containing the required signature must be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.
- Appeal Filings to the Office of the General Counsel
- Briefs
- Disclaimer of Interest
- EAJA Applications
- Evidence
- *Excelsior* List
- Exceptions or Cross Exceptions
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- Position Statement
- Request for Review
- Request for Special Permission to Appeal
- Request to Proceed
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E-FILINGS MUST BE TIMELY: The Agency will accept electronic filings up to 11:59 p.m. in the time zone of the receiving office on the due date. Filings accomplished by any other means must comply with the requirements of Section 102.111 of the Board's Rules and Regulations.

- A document will be considered timely filed if the E-Filing receipt reflects that the entire document was received by the Agency's E-Filing system before midnight local time on

the due date. (Midnight is considered the beginning of a new day.) Filings accomplished by any other means such as mail, personal delivery, or facsimile (if allowed), must be received by the close of business in the receiving office on the due date.

- Unlike the Federal Courts, the Agency does not add 3 days to any due date regardless of the manner the document to which the filer is responding was served.
- Although the Agency's E-Filing system is designed to receive filings 24 hours per day, parties are strongly encouraged to file documents in advance of the filing deadline and during the normal business hours of the receiving office, in the event problems are encountered and alternate means of filing become necessary.
- The receiving office's staff will respond to non-technical questions regarding the E-Filing system during normal business hours. For technical problems, please refer to the E-Filing FAQ or send an email to e-filing@nlrb.gov. If you wait until after the close of business to attempt to E-File and encounter problems, no one will be available to assist you.
- Technical Failure. If the Agency's E-Filing system is unable to receive documents for a continuous period of more than 2 hours after 12 noon (Eastern Time), the site will be declared to be in technical failure. Notice of the technical failure determination will be posted on the website as soon as possible. Scheduled service, system maintenance or upgrades, or when the system will be unavailable to receive filings, will also be posted. If the system is determined to be in technical failure on the due date for the filing of a document and the failure prohibited a party from E-Filing, the document must be filed by 5:00 p.m. (Eastern Time) on the next business day.
- User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem.
- If a timely, conventional filing is impossible because a user problem developed after close of business on the due date, the user should attempt to E-File using another computer with internet access, such as another computer in the office, a home computer, a computer at a public library, or a computer at a commercial business service center.

ELECTRONIC FILING IS A THREE-STEP PROCESS: Electronic filing is not complete until all three steps of the process are completed: (1) entering your data and uploading your document(s); (2) reviewing and confirming your submission; and (3) receiving your receipt with confirmation number.

PREFERRED DOCUMENT FORMAT IS PDF: The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Agency's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft

Word format may submit documents in simple text format (*.txt). Regardless of the format, all documents E-Filed with the Agency must be submitted in a "read-only" state.

DOCUMENTS MUST BE VIRUS-FREE: Users are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed. Rejection of a filing because it contains a virus will not excuse a late filing and is considered to be a user problem, not a technical failure as defined herein.

DOCUMENTS MUST BE COMPLETE: Any document submitted electronically to the Agency must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances. Exception: Position statements or documentary evidence submitted to a Regional Office during an unfair labor practice investigation or documents relating to appeals pending before the Office of Appeals may be filed as separate attachments.

CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE: All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

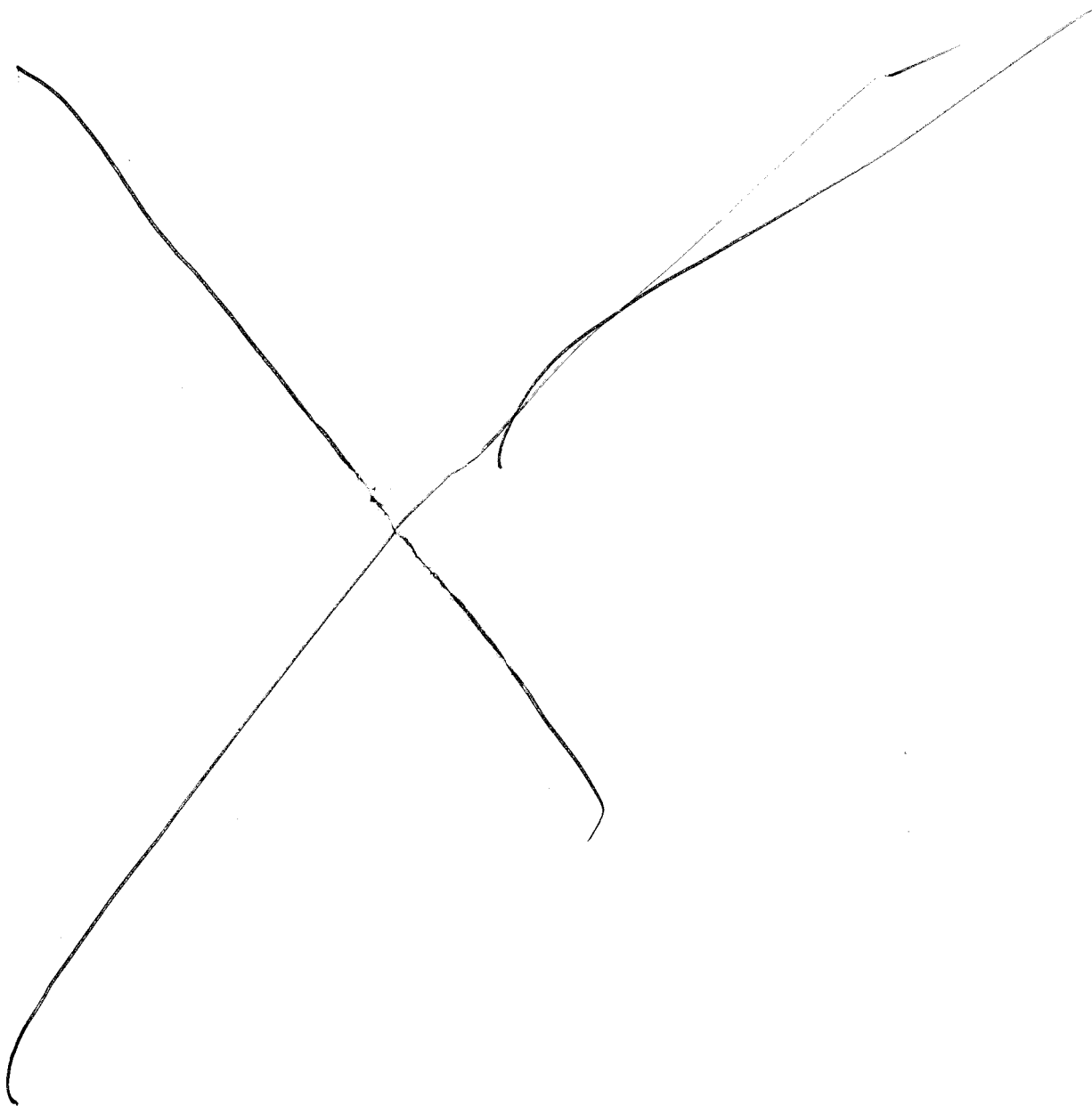
OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional, Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlrb.gov>) as

outlined above.

QUESTIONS: Any questions about the Agency's E-filing policies may be directed to an NLRB Information Officer during regular business hours.





United States Government

NATIONAL LABOR RELATIONS BOARD

Region 16

819 Taylor Street – Room 8A24

Fort Worth, TX 76102-6178

Agency Web Site: www.nlrb.gov

April 21, 2011

Ms. Guerivace Shelton
6746 Keswick Drive
Dallas, Texas 75232

Re: AT&T Mobility
Case No. 16-CA-27985

Board Agent Assigned: Darci B. Slager
Telephone: (817)978-2004
E-Mail: Darci.Slager@nlrb.gov

Dear Ms. Shelton:

The investigation of the attached charge you recently filed in the above matter has been assigned to the Board agent listed above and any communication concerning this case should be directed to this Board agent at the above address and telephone number. If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

The Board agent will be in touch with you soon to request your assistance in the investigation of your charge. Please save any evidence bearing on your charge, such as notes, minutes, letters or check stubs, etc., and have them ready when the Board agent meets with you. It will be helpful for you to jot down a brief factual account of what has happened and for you to prepare a list of the names, addresses, and telephone numbers of potential witnesses, together with a brief summary of what each witness should know, for the use of the Board agent. Further, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such

records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the foregoing laws, regulations and policies. Please state the case name and number on all correspondence.


Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance," Form NLRB-4701, and forward it promptly to this office.

You are expected to cooperate with the Board agent in the investigation of your charge. Failure to cooperate may cause your charge to be dismissed.

If you are concerned that you are not proficient in the English language and need assistance in translation, please tell the Board agent assigned to your case as soon as possible of your need.¹ We are available to assist you in any way possible, and if you have any questions, please call our Board agent. Your cooperation will be appreciated. Customer service standards concerning the processing of unfair labor practice cases have been published by the Agency and are available on the Agency's Internet site under "Public Notices."

Sincerely,



Martha Kinard
Regional Director

Attachments: Charge
Notice of Appearance, Form NLRB 4701
Notice to Parties Involved in an Investigation, Form NLRB-4541
Communications with ... Offices ... by Internet E-Mail

¹ La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

DO NOT WRITE IN THIS SPACE

Case

16-CA-27985

Date Filed

4/20/2011

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer AT&T Mobility		b. Tel. No. (972)706-3325
		c. Cell No. () -
		f. Fax No. () -
d. Address (Street, city, state, and ZIP code) 1801 Valley View Lane Farmers Branch TX 75234-		e. Employer Representative Sherry Rea
		g. e-Mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) information		j. Identify principal product or service telephone service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about October 2010, it, by its officers, agents and representatives discriminated against Guerivace Shelton in her shift bid because of her Union grievance filing activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Guerivace Shelton

4c. Address (Street and number, city, state, and ZIP code)
6746 Keswick Drive

Dallas TX 75232-

4a. Tel. No.

() -

4b. Cell No.

(214)926-2806

4d. Fax No.

() -

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

() -

Office, if any, Cell No.

(214)926-2806

Fax No.

() -

e-Mail

Guerivace Shelton

Guerivace Shelton, Individual

(Signature of representative or person making charge)

(Print/type name and title or office, if any)

Guerivace
6746 Keswick Drive

Shelton

Address Dallas TX 75232-

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

16-2011-1076

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

NLRB FORM-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

AT&T Mobility

CASE NO. 16-CA-27985

(Check one box only)*

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

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(REPRESENTATIVE INFORMATION)

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MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

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(Please sign in ink.)

DATE: _____

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CERTAIN DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE: All documents submitted to a Regional, Subregional or Resident Office, which under the Board's Rules and Regulations must be served on other parties to the case, must include a statement of service showing how that document was served on other parties in accordance with the service requirements of Section 102.114(i) of the Board's Rules and Regulations. This rule provides: "In the event the document being filed electronically is required to be served on another party to a proceeding, the other party shall be served by electronic mail (email), if possible. If the other party does not have the ability to receive electronic service, the other party shall be notified by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service no later than the next day, by overnight delivery service, or, with the permission of the party receiving the document, by facsimile transmission."

OFFICIAL BUSINESS: Outside parties may send electronic communications to Regional, Subregional and Resident Offices dealing only with official Agency business.

E-MAIL COMMUNICATIONS WITH BOARD AGENTS: To encourage and facilitate the exchange of case handling information between the parties or their representatives and Board agents, individual Board agents' E-mail addresses will be made available to the parties. We encourage parties and/or their representatives to provide the Regional Subregional or Resident Office with their E-mail addresses. E-mail communications with a represented party generally will be through the party's attorney or other representative. If an outside party and/or its representative provides its E-mail address, Board agents will accept and send E-mail messages to arrange appointments, schedule witnesses and exchange other case-relevant information. If a party and/or its representative requests that communications not be sent by E-mail, Board agents will honor such request after receipt of the request in the Regional, Subregional or Resident Office.

Please note that Board agents may, on occasion, be out of the Regional office and unable to receive time-sensitive E-mails. It is critically important that all substantive E-mails and any documents listed above should be filed with the Regional Office through the Agency's website (<http://www.nlr.gov>) as outlined above.

QUESTIONS: Any questions about the Agency's E-filing policies may be directed to an NLRB Information Officer during regular business hours.

JS 44 (TXND Rev. 2/10)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Guerivace Shelton
Dallas

DEFENDANTS

RECEIVED

AT&T Mobility: Communication
Workers of America
Dallas
625

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

NONE

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Christian A. Bourgeois
Lysha Weston

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF ☒ DEF
Citizen of Another State ☐ 2 ☐ 2
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
Incorporated or Principal Place of Business In This State ☒ 4 ☒ 4
Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input checked="" type="checkbox"/> 740 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 EEOC, Texas Workforce Commission Civil Rights Division
 Brief description of cause: Age Discrimination in Employment Act of 1967

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) (See instructions) PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____